

Message Text

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TAGS: PFOR, GE, US

SUBJECT: JEWISH MATERIAL CLAIMS

REF:(A) BERLIN 5773, MAY 31, 1975; (B) BERLIN 658

1. I HAVE READ THE DEPARTMENT'S MEMORANDA OF CONVERSATION OF AUGUST 30 AND AUGUST 31 ON THE SUBJECT OF HUMANITARIAN CLAIMS AGAINST THE GDR. WHILE I RECOGNIZE THE DECISION ON PROCEDURES RESPECTING PENDING BILLS BEFORE THE CONGRESS ARE MADE BY THE DEPARTMENT, I MAKE THESE PRELIMINARY SUGGESTIONS REGARDING PARAGRAPH 12 OF REFTEL(B).

2. THE PROPOSAL MADE TO ME BY GENERAL SECRETARY HONECKER SHOULD BE COMMUNICATED TO THE CONFERENCE ON JEWISH MATERIAL CLAIMS BY THE ANTI-FASCIST COMMITTEE OF THE GDR, RATHER THAN BY THE DEPARTMENT. MY REASONS FOLLOW:

(A) TO THE EXTENT THAT I HAVE BEEN INFORMED BY THE DEPARTMENT, IT HAS BEEN MY UNDERSTANDING THAT THE DISCUSSIONS BETWEEN THE DEPARTMENT AND GDR OFFICIALS, PRIOR TO THE AGREEMENT OF SEPTEMBER 4, 1974 ESTABLISHING RELATIONS, RESPECTING THE CLAIMS OF THE CONFERENCE ON JEWISH MATERIAL CLAIMS, NEGOTIATIONS WERE TO BE CONDUCTED BY THE TWO COMMITTEES WITH APPROPRIATE ASSISTANCE FROM THE US. IT WOULD APPEAR BEST TO FOLLOW THIS AGREED PROCEDURE.

(B) IF THE DEPARTMENT PROVIDES THE CONFERENCE ON JEWISH MATERIALS CLAIMS DETAILS OF THE HONECKER STATEMENT

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TO ME. SPECIFICALLY REGARDING A SYMBOLIC PAYMENT OF

\$1 MILLION, IT WOULD HINDER THE POSSIBILITY OF A SETTLEMENT. THE CONFERENCE ON JEWISH MATERIAL CLAIMS MIGHT DECLARE AND PERHAPS PUBLICLY, THE AMOUNT INSUFFICIENT, BEFORE TALKS WITH THE GDR ANTI-FASCIST COMMITTEE AND THUS PRECLUDE FURTHER NEGOTIATIONS.

(C) IT WOULD APPEAR HELPFUL FOR APPROPRIATE DEPARTMENT OFFICER TO SUGGEST TO FERENCZ THAT IN MY TALK WITH HONECKER ON AUGUST 27, HE HAD APPEARED RECEPTIVE TO A SYMBOLIC SETTLEMENT AND THAT IT COULD BE APPROPRIATE FOR FERENCZ TO ASK FOR A MEETING WITH THE ANTI-FASCIST COMMITTEE. I SUGGEST THAT THE DATE SOUGHT FOR THE MEETING SHOULD BE AFTER THE US NOVEMBER ELECTIONS AS GDR OFFICIALS APPEAR TO THINK THAT FEW US DECISIONS WILL BE MADE UNTIL AFTER THE ELECTION, IF A MEETING BETWEEN THE TWO COMMITTEES CAN BE SECURED, I THINK IT WOULD BE APPROPRIATE FOR THE DEPARTMENT TO COMMUNICATE TO HONECKER IN ADVANCE THE FACT AND DATE OF THE MEETING AND RECALL HIS STATEMENT TO ME, PARAGRAPH OF REFTTEL(B) AS A BASIS FOR THE TALKS.

(D) IN MAKING THE ABOVE SUGGESTIONS I RECOGNIZE THAT IF DEPARTMENT OFFICIALS APPEARING BEFORE CONGRESSIONAL COMMITTEES ARE ASKED IF THERE HAS BEEN ANY RESPONSE BY THE GDR TO THE CLAIMS OF THE CONFERENCE ON JEWISH MATERIALS CLAIMS, THE STATEMENT OF HONECKER TO ME WOULD BE REPORTED TO SUCH A COMMITTEE.

2. DURING MY TALK WITH DEPUTY SECRETARY GRUNERT REPORTED IN REFTTEL(A) GRUNERT DISCUSSED AT LENGTH THE POSITION OF THE GDR AT THAT TIME. HIS STATEMENT INDICATED, AS HE TOLD ME, THAT THE "SUBJECT HAD BEEN WIDELY DISCUSSED WITHIN THE GDR GOVERNMENT DURING NEGOTIATIONS PRECEDING THE US/GDR AGREEMENT OF SEPTEMBER 4, 1974." IT SHOULD ALSO BE NOTED THAT IN MY TWO FORMAL TALKS WITH GENERAL SECRETARY HONECKER PRIOR TO OUR MEETING OF AUGUST 27, HE HAD MADE NO DEFINITE RESPONSE WHEN I RAISED THE ISSUE OTHER THAN THAT IT WOULD BE CONSIDERED. FROM THIS BACKGROUND I HAVE ARRIVED AT THE FOLLOWING CONCLUSIONS:

(A) THE GDR, IF ANY SETTLEMENT CAN BE NEGOTIATED, WOULD REQUIRE ASSURANCES REGARDING THE IDENTITY OF THE RECIPIENT;

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(B) THE GDR WILL NOT AGREE TO ANY SETTLEMENT EXCEPT TO US CITIZENS. THE POINT HAS BEEN MADE TO ME WITH GREAT STRENGTH. IT HAS APPEARED TO ME FROM MY TALKS WITH FERENCZ AND WITH GOLDMANN IN DEPUTY ASSISTANT SECRETARY VINE'S OFFICE THAT THE CONFERENCE ON JEWISH MATERIAL CLAIMS IS UNCLEAR ON THIS POINT.

(C) I DO NOT BELIEVE THE GDR WOULD AGREE TO THE INCLUSION OF THE SPECIAL CLAIM OF THE CONFERENCE ON

JEWISH MATERIAL CLAIMS IN US/GDR NEGOTIATIONS ON GENERAL PROPERTY CLAIMS. IT IS CONSIDERED BY THE GDR, AS HONECKER TOLD ME, AS A CLAIM SYMBOLIC OF THE TRAGEDY OF THE JEWISH COMMUNITY DURING WORLD WAR II.

(D) I DO NOT BELIEVE THAT AN EFFORT TO MERGE INTO THE NEGOTIATIONS OF GENERAL PROPERTY CLAIMS THE SEPARATE CLAIM FOR THE IRREPARABLE SACRIFICES SUFFERED BY THE JEWISH COMMUNITY DURING WORLD WAR II WOULD BE SUCCESSFUL. FURTHER, TO INSIST ON SUCH A MERGER WOULD EITHER PREVENT OR PROLONG US/GDR PROPERTY CLAIMS NEGOTIATIONS AND COULD DENY TO OTHER US CITIZENS HAVING PROPERTY CLAIMS THE OPPORTUNITY TO SECURE PAYMENT, HOWEVER, SMALL, OF THEIR CLAIMS.

(E) I UNDERSTAND THE DESIRE OF NAHUM GOLDMANN TO SEE GENERAL SECRETARY HONECKER BUT I MUST SAY, CONSIDERING GRUNERT'S RESPONSE AND THE REFUSAL OF THE GDR EMBASSY IN WASHINGTON TO SEE REPRESENTATIVES OF THE CONFERENCE ON JEWISH MATERIAL CLAIMS, I DO NOT BELIEVE HIS EFFORTS TO SEE HONECKER WILL BE SUCCESSFUL.

3. I HAVE READ THE DEPARTMENT'S PROPOSED LANGUAGE THAT MIGHT BE INCLUDED IN THE REPORT OF THE HOUSE INTERNATIONAL RELATIONS COMMITTEE AND THE AMENDMENTS PROPOSED BY DR. FERENCZ. IF ANY LEGISLATION REPORTED BY THE COMMITTEE INCLUDES LANGUAGE SUPPORTED BY THE CONFERENCE ON JEWISH MATERIAL CLAIMS AND SHOULD BECOME LAW, I THINK IT SHOULD BE CONSIDERED THAT SUCH LEGISLATION COULD PRECLUDE NEGOTIATIONS ON US/GDR PROPERTY CLAIMS AND THE NEGOTIATIONS ON THE COMMITTEE'S CLAIMS AND THUS PROVE FUTILE. WHILE THE REPORT ITSELF WOULD NOT HAVE CONTROLLING LEGISLATIVE EFFECT, IT COULD BE INTERPRETED BY THE GDR AS IF IT DID HAVE LEGISLATIVE EFFECT. HOWEVER, THE DEPARTMENT'S SUGGESTED LANGUAGE, IF IT IS NECESSARY

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TO INCLUDE IN THE REPORT, IS INFINITELY BETTER THAN A CHANGE OF LANGUAGE IN THE PENDING BILL.

4. WHILE , WIHTOUT FULL INFORMATION, I DO NOT HAVE THE CAPABILITY TO MAKE A JUDGMENT, WHICH IS A DECISION OF THE DEPARTMENT, IT APPEARS TO ME THAT THE AGREED MINUTE OF SEPTEMBER 4, 1974 DOES INCLUDE ON THE AGENDA THE AUTHORITY OF THE US TO RAISE, DURING PROPERTY NEGOTIATIONS, LOSSES BY VICTIMS OF NAZISM. IT IS SPECULATIVE TO PREDICT WHAT COULD HAPPEN DURING THE PERIOD OF PROPERTY CLAIMS NEGOTIATIONS WHICH ARE HISTORICALLY LONG, AND I BELIEVE THAT THE GDR WILL CONTINUE TO INSIST UPON NEGOTIATIONS BETWEEN THE TWO COMMITTEES AND THAT THIS SHOULD GO FORWARD. IT WOULD APPEAR THAT THE AGREED MINUTE SHOULD GIVE THE NECESSARY

ASSURANCES TO THE CONFERENCE ON JEWISH MATERIAL CLAIMS.
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